IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3859 OF 2005

Smt.Kesharbai Hukmichand Oswal
since deceased through her L.Rs
Shri Motilal Hukmichand Oswal and
ors. .. Petitioners

Vs

Shri Ochhavlal Ganpatlal Shaha and Anr Respondents

Mr V.A.Gangal, for the petitioners.
Mr A.K.Abhyankar, for the respondents.

CORAM : D.B.BHOSALE,J.
DATE : 05.10.2005.

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 21.4.2005 passed below Exhibit-16, by which the respondents sought police help. The order has already been executed and hence nothing further survives in this

petition. The trial Court, while disposing of the application Exhibit-16 in the last paragraph of the order dated 21.4.2005, made the following observations:

> "At this juncture, at 2.00 p.m. when I pronounced the order in open court to J.D.Motilal Oswal, he started shouting in loud voice that how I have passed order against him and when such type of order cannot be passed, he will go in appeal. Despite my warning to behave him properly, he did not stop and continued shouting loudly and failed to maintain decorum of the court by quarrelling with me. Hence, I called police constable Shri Bhoir and asked him to take Motilal Oswal out of the Court. He was behaving in such an abnormal way which was not expected from any litigant".

This Court on 3.8.2005 recorded the statement of the learned counsel for the petitioners which reads thus:

> "Mr Gongal, the learned counsel for the petitioners, states that the petitioners seek time to consider tendering an apology to the learned Civil Judge, Junior Division, Khalapur. Stand over for one week."

Mr Gongal, learned counsel for the petitioners, states that he has no instructions whether the petitioners have tendered apology to the learned Civil Judge, Jr Dn., Khalapur so far. Keeping that in view and considering the overall facts and circumstances of the case, the

petitioner is granted one week’s time from today to tender apology to the Civil Judge, Jr Dn., Khalapur, for his behaviour reflected in the aforesaid paragraph of the impugned order, failing which it would be open for the learned Judge to initiate appropriate proceedings against the petitioner. The writ petition is, accordingly, disposed of.

(D.B.BHOSALE, J.)